

### REMARKS

The Non-Final Office Action mailed September 26, 2007 considered claims 2-4, 7-9, 12, 14-16, 18-21, 29-34 and 36-39. Claims 2-4, 7-9, 12, 14-16, 18-21, 29-31, 33, 34, and 36-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Cameron et al.* (US 2003/0004964) hereinafter *Cameron* in view of *Krishnaprasad et al.* (US 2002/0078094) hereinafter *Krishnaprasad*. Claim 32 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Cameron* in view of *Krishnaprasad* in view of *Traversat* (US 6,366,954) hereinafter *Traversat*.

By this paper, no claims have been amended. Claims 2-4, 7-9, 12, 14-16, 18-21, 29-34, and 36-39 remain pending in the application, of which claims 31, 37, 38 and 39 are the only independent claims.

As discussed in a telephonic conversation with the Examiner on November 28, 2007, the present application was filed on July 15, 2003. *Cameron* was published on January 2, 2003, which is less than one year before the filing date of the present application. The Office has asserted in the previous Office Action mailed on May 25, 2007, that *Cameron* qualifies as prior art under 35 USC 102(a) and 102(e). With regards to qualifying as prior art under 35 USC 102(a), that section requires that "the invention was known or used by other in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent...." Applicants submit herewith as Exhibit A, an email dated May 22, 2002 showing that the present invention was conceived on or before the publishing date of *Cameron*. Additionally, a declaration from the inventor under 37 C.F.R., § 1.131 is included showing that the present invention was conceived and reduced to practice prior to the publication of *Cameron*. As such, If *Cameron* qualifies as prior art, it does so only under 35 USC 102(e).

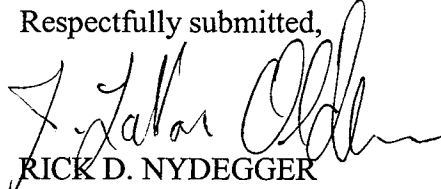
35 USC 103(c)(1) states that "[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." Both the present application and *Cameron* have been assigned to Microsoft. The assignment for the present application can be found in a recordation on July 15, 2003 at Reel 014309, Frame 0345. The assignment for

*Cameron* can be found in a recodation on March 11, 2002 at Reel 012741, Frame 0125. As such, *Cameron* should be removed as a reference.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 26<sup>th</sup> day of December, 2007.

Respectfully submitted,



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